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SUBJECT: COLOMBIA COMMITTED TO RESTARTING DISCUSSIONS ON
S&T AGREEMENT

REF: STATE 45800

¶1. (SBU) SUMMARY: The GOC remains committed to concluding a bilateral Science and Technology (S&T) agreement, but claims limited flexibility on intellectual property rights (IPR) language. GOC officials tell us reaching agreement on IPR language prior to the ratification of the U.S.- Colombia Trade Promotion Act (CTPA) will be difficult, but that an S&T agreement is a priority for the GOC. Accordingly, the MFA will convene an interagency meeting within the next three weeks to formulate their response to the 2000 model IPR annex text and propose a way ahead. END SUMMARY.

S&T Agreement Priority for GOC

¶2. (SBU) On May 6, Econoffs discussed next-steps for the S&T Agreement with Ministry of Foreign Affairs (MFA) Director for International Cooperation Enrique Maruri, Director for North American Affairs Patricia Cortes, and North American Affairs officer Adriana Maldonado. The MFA representatives said acceptance of IPR text would be the primary negotiating hurdle, but stressed their intent to find consensus as signing the agreement was a high GOC priority.

Limited Negotiating Room on IPR Text

¶3. (SBU) Maruri said the MFA had limited legal and political negotiating room for new IPR text prior to the conclusion of the CTPA since the GOC considers the eventual CTPA text -- after USG ratification -- will be the foundation of all future IPR language in its bilateral agreements. Maruri added that the inclusion of the IPR annex to the S&T agreement would generate an "enormous" interagency GOC debate. However, the MFA believes the two additional points of debate in the text - Article V and Article IX - can be resolved or deleted all together. The MFA will revisit their last proposal from September 2008 and confirm. Maruri downplayed the viability of submitting any agreement to Congress with IPR aspects and gaining approval. Econoffs noted that IPR was a critical component of all bilateral S&T agreements that the USG is party to and that there existed very limited flexibility in modifying the intent of the model text.

Next Steps: Internal GOC Consultations

¶4. (SBU) Maruri said he and his colleagues could not officially comment on possible IPR text without first

consulting with interagency players such as Colciencias and the Ministry of Commerce. He said the MFA would convene a meeting in late May, after most GOC stakeholders returned from Colombia-EU free trade talks in Brussels, to review the IPR annex and determine which points the GOC could or could not accept. Econoffs encouraged the MFA to develop a response as quickly as possible to determine the feasibility of concluding an agreement.

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